

### **REMARKS**

The claim objection to claim 36 is avoided by correcting the typographical error – “oad” should have been “pad”.

The Examiner rejects for the first time claims 33 and 52 under 35 U.S.C. §112, first paragraph. The Examiner's rejection is based on the Examiner not finding support in the specification for the last paragraph of claim 33 or the last paragraph of claim 52.

Reconsideration is respectfully requested because it is believed the Examiner may not have understood key points of Applicant's disclosure and how the claim language applies to those key points in the disclosure. The following explanation should assist the Examiner and avoid the problem and the rejection under Section 112, paragraph 1.

As shown in Fig. 1, sheets 4 are fed in from the top. Two side walls 2 and 3 are provided along with a front wall 1. A first corner is formed at 24 serving as a first stopper and a second corner is provided at 26 as a second stopper. Initially sheets may be fed in towards the first stopper or right corner 24 by activating a paddle wheel 13 which pushes the sheets into the corner. When that stack is finished and a second offset stack is to be created, the second paddle wheel at the left side in Fig. 1 engages the sheets 4 and pushes those sheets into the second stopper corner at 26. This alternate action of the first paddle wheel at the right side and the second paddle at the left side is accomplished by the eccentric roller 22 on the control shaft 21.

When this control shaft 21 is in the upper position a hold down pad 25 is lifted off from the top sheet, but the right side paddle wheel is simultaneously in the down position, since the short side of the eccentric roller 22 at the top guided by the fork 11 pushes the alignment unit 6 down, thus placing the right side paddle wheel in contact to drive the sheets into the corner 24.

Alternatively, when it is now desired to stack the second group of sheets in an offset manner, the control shaft 21 is lowered. Since the eccentric roller 22 at the right side is 180° offset from the eccentric roller 22 at the left side, operation is reversed so that now the left side paddle wheel is engaged but with the hold down pad 25 at the right side in contact with the top sheet of the previous stack. Thus, this stop pad holds the top sheet of the previous stack with a downward pressure while sheets are being pushed by the left side paddle wheel into the left side corner (second stopper) 26. This is shown in Fig. 1 and explained at Applicant's specification at page 8, lines 1-7 describing the eccentric rollers 22 arranged on a control shaft 21 working in opposite directions so that the alignment units 6 execute a seesaw motion in opposite directions upon rotation of the control shaft 21. This is also explained at page 9, lines 3-18.

In view of the above, it can be clearly seen that the language of claim 33 is correct and fully supported by the specification since when the left side paddle wheel is engaging the second set of sheets, at the right side pressure pad 25 is engaging the top sheet of the previous stack.

Since both claim 33 and 52 have similar language, the Section 112, first paragraph rejection as to both claims is avoided.

The Examiner rejects claims 33-36, 41-49, 52-56, 61-63 under 35 U.S.C. §103 with a new combination of references – namely Williams in view of Borostyan.

The Examiner acknowledges at page 4, second paragraph that Williams does not have the continuous downward pressure onto a top surface of an uppermost page of the first job during the offset stacking of all of the pages of the second job. For this, the Examiner cites the new secondary reference Borostyan.

Borostyan does not satisfy the deficiencies of Williams for the following reasons.

First, it is noted that the primary reference Williams teaches directly away from the invention by relying on friction to hold the top sheet of the first stack when sheets are being moved over this top sheet of the first stack to create the second stack in an offset fashion. See Williams column 3, line 37:

“...The top sheet of paper 12 with the previous book 16 is held in place with static friction between itself and the sheet of paper 12 underneath the top sheet and between itself and the vertical flat surface 36 of the back stop 32”.

Applicant's invention of claim 33, of course, does not rely on static friction but rather the recited pressure pad on the first stack top sheet when the second stack is being created. But Borostyan only shows in Figures 5

and 6 a damping mechanism 130 having a first arm 124 and a second arm 126. Ends 132 and 134 of these arms damp down the top sheet of the top stack at all times, but permit lateral movement by the articulated links 138 and 148 so that these arms 124 and 126 can move in unison to the left when the tray 114 is moving in the direction of arrow 164 to the left. Thus these arms 124 and 126 continue to apply downward pressure but also allow lateral shifting of the tray. But these arms are on the top sheet of the top stack. Thus if this teaching were substituted into Williams, one would simply have the continuous downward pressure on the top sheet of the top stack in Fig. 1 of Williams. There would be no teaching of Applicant's claim 33 of downward pressure onto a top surface of the uppermost page of the first job after the offset stacking of the pages of the first job and during the offset staking of all pages of the second job. Claim 33 readily distinguishes.


Dependent claims 34-51 are all dependent on the allowable linking claim 33 and are allowable at least for the reasons claim 33 is allowable and also by reciting additional features not suggested.

Independent device claim 52 is allowable for the reasons noted with respect to claim 33 and the dependent claims 53-63 all dependent upon the allowable linking claim 52 are also allowable at least for the reasons claim 52 is allowable and also by reciting additional features not suggested.

Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to account no. 501519.

Respectfully submitted,

 (Reg. No. 27,841)

Brett A. Valiquet  
**SCHIFF HARDIN LLP**  
Patent Department  
6600 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606  
(312) 258-5786  
Attorneys for Applicant  
**CUSTOMER NO. 26574**

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